

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JESUS GUTIERREZ,  
a/k/a "Chuy,"  
a/k/a "Chuito,"

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <b>Jul 17 2008</b>

INFORMATION

08 Cr.

**08 CRIM 662**

X

COUNT ONE

The United States Attorney charges:

1. From in or about at least December 2005 until at least in or about December 2006, in the Southern District of New York and elsewhere, JESUS GUTIERREZ, a/k/a "Chuy," a/k/a "Chuito," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JESUS GUTIERREZ, a/k/a "Chuy," a/k/a "Chuito," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

(Title 21, United States Code, Section 846, and Title 18, United States Code, Section 2.)

COUNT TWO

3. From in or about at least 2004 until at least in or about 2005, in the Southern District of New York and elsewhere, JESUS GUTIERREZ, a/k/a "Chuy," a/k/a "Chuito," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

4. It was a part and an object of the conspiracy that JESUS GUTIERREZ, a/k/a "Chuy," a/k/a "Chuito," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, marijuana, in violation of Sections 812, 841(a)(1) and 841(b)(1)(D) of Title 21, United States Code.

(Title 21, United States Code, Section 846, and Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

5. As a result of committing the controlled substance offenses alleged in Counts One through Three of this Information, JESUS GUTIERREZ, a/k/a "Chuy," a/k/a "Chuito," the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting and derived from any proceeds that JESUS GUTIERREZ, a/k/a "Chuy," a/k/a "Chuito," the defendant, obtained directly and indirectly as a result of the said violations and any and all property used or intended to be

used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One through Three of this Information.

Substitute Assets Provision

6. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant--

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)

  
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MICHAEL J. GARCIA  
United States Attorney

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(Title 21, United States Code,  
Sections 812, 841(a)(1), 841(b)(1)(A),  
841(b)(1)(D), and 846; Title 18, United  
States Code, Section 2.)

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MICHAEL J. GARCIA  
United States Attorney.

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